REMARKS

Applicant has filed a timely petition against the requirement for restriction.

The typographical error in claim 17 has been corrected.

Claims 31 and 32 have been canceled.

The examiner has rejected claims 15-19 under 35 USC 103 over Eklund in view of Lintz. Claim 15 has been amended to include the features of claim 16. Applicant requests that this amendment should be entered under 37 CFR 1.116 because it amounts to no more than adding the features of the dependent claim 16 to claim 15 and therefore does not raise new issues requiring further search or consideration.

The subject matter of this application, as defined in claim 15, is concerned with a method of producing a fluxing agent that can be used in production of steel. A fluxing agent, or flux, is a material that is added to the contents of a smelting furnace for the purpose of lowering the melting point of the slag and thereby rendering the slag more liquid so that the slag can be removed more easily and the metal thereby purged of impurities.

In support of the rejection, the examiner relies on the discussion in Eklund at page 5, lines 1-6 regarding use of the hydroxide sludge product in the smelting of steel to aid in the separation of silicon, oxides and fluorides from the iron melt into a slag phase. The examiner asserts that this description shows that the hydroxide sludge product functions in the same manner as a fluxing agent. Applicant respectfully disagrees.

The description referred to by the examiner does not support the examiner's assertion because there is no reference to the sludge product lowering the melting point of a slag or serving any other function attributable to a fluxing agent. The passage referred to by the examiner shows that silicon, oxides, fluorides etc. present in the hydroxide sludge enter the slag but tells the skilled reader nothing about how or whether the product influences the melting point of the slag.

Eklund is concerned with recovering metal present in the

hydroxide sludge. This is evident from Tables 1a, 2a, 3a and 4a of Eklund, which show that the focus of Eklund is the chromium and nickel contents of the sludge. Table 4a also shows the result of tests analysing what becomes of fluorides present in the sludge, but there is no reference to calcium fluoride in connection with Table 4a. Applicant therefore submits that there is no teaching or suggestion in Eklund that calcium fluoride present in the sludge should be used in the steel manufacturing process or has any useful purpose in the method disclosed by Eklund.

Lintz discloses how to convert lower grade and fine fluorspar into a form that is favorable for its use as flux material, by briquetting the fluorspar and sintering the briquetted fluorspar. Thus, in the process of Lintz, fluorspar is both the raw material and the end product and only the form is different. Since Eklund contains no reference to flux or fluorspar, there is no basis for applying the teaching of Lintz to Eklund.

In view of the foregoing, applicant submits that the subject matter of claim 15, as now amended, is not disclosed or suggested by Eklund and Lintz, whether taken singly or in combination. Therefore, claim 15 is patentable and it follows that the dependent claims also are patentable.

Respectfully submitted,

/John Smith-Hill/

John Smith-Hill
Reg. No. 27,730

SMITH-HILL & BEDELL, P.C.
16100 N.W. Cornell Road, Suite 220
Beaverton, Oregon 97006

Tel. (503) 574-3100
Fax (503) 574-3197
Docket: OUTO 3528